

Senate File 2101 - Introduced

SENATE FILE 2101

BY JOCHUM

A BILL FOR

1 An Act relating to children in out-of-home placements in
2 accordance with a court order.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.108, Code Supplement 2011, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 8. The department shall report annually
4 by December 15 to the governor and general assembly regarding
5 the status of the efforts made by the department and others
6 involved with the child welfare system in the previous
7 fiscal year to comply with the requirements of this section
8 regarding sibling placements and visitation, or other ongoing
9 interaction.

10 Sec. 2. Section 232.117, subsection 6, Code 2011, is amended
11 to read as follows:

12 6. a. If the court orders the termination of parental
13 rights and transfers guardianship and custody under subsection
14 3, the court shall specify the nature and category of
15 disposition which will serve the best interests of the child,
16 and shall prescribe the means by which the placement shall
17 be monitored by the court, which may be in addition to the
18 reporting requirements under paragraph "b". If the court orders
19 the transfer of custody to the department of human services
20 or other agency, facility, or institution for placement, the
21 department or other agency shall make every reasonable effort
22 to place the child in the least restrictive, most family-like,
23 and most appropriate setting available, and shall consider
24 the placement's proximity to the school in which the child
25 is enrolled at the time of placement. If the termination
26 order applies to a sibling of the child or the child has a
27 sibling, the department or other agency shall comply with the
28 requirements of section 232.108, regarding sibling placement
29 and visitation or ongoing interaction while a permanent
30 placement is being established.

31 b. The guardian shall submit a case permanency plan to
32 the court and shall make every effort to establish a stable
33 placement for the child by adoption or other permanent
34 placement. Within forty-five days of receipt of the
35 termination order, and every forty-five days thereafter until

1 the court determines such reports are no longer necessary, the
2 guardian shall report to the court regarding efforts made to
3 place the child for adoption or providing the rationale as to
4 why adoption would not be in the child's best interest.

5 Sec. 3. Section 235.3, Code 2011, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 10. Create and make available to department
8 staff, child-placing agencies, and others engaged with placing
9 children in out-of-home settings an internet-based capacity, or
10 other regularly updated approach, for tracking foster care and
11 other placement openings for such children.

12 EXPLANATION

13 This bill relates to children in out-of-home placements in
14 accordance with a court order.

15 Code section 232.108, relating to court-ordered out-of-home
16 placements of a child and requiring efforts to place siblings
17 together or provide for visitation or other ongoing interaction
18 with siblings during an out-of-home placement, is amended. The
19 amendment requires the department of human services to report
20 annually by December 15 to the governor and general assembly
21 regarding the status of the efforts made by the department
22 and others involved with the child welfare system in the
23 previous fiscal year to comply with the requirements of the
24 Code section.

25 Code section 232.117, relating to the disposition of a
26 child when termination of parental rights has been ordered,
27 is amended. The amendment includes requirements similar to
28 those applicable when an out-of-home placement is ordered in
29 a child in need of assistance proceeding under Code chapter
30 232. The court is required to specify the nature and category
31 of disposition which will serve the best interests of the
32 child, and to prescribe the means by which the placement will
33 be monitored by the court, which may be in addition to the
34 reporting requirements in current law. If the court orders
35 the transfer of custody to the department of human services

1 or other agency, facility, or institution for placement, the
2 department or other agency is required to make every reasonable
3 effort to place the child in the least restrictive, most
4 family-like, and most appropriate setting available, and to
5 consider the placement's proximity to the school in which the
6 child is enrolled at the time of placement. In addition,
7 if the termination order applies to a sibling of the child
8 or the child has a sibling, the department or other agency
9 is required to comply with the requirements of Code section
10 232.108, regarding sibling placement and visitation or ongoing
11 interaction while a permanent placement is being established.
12 Code section 235.3, relating to the powers and duties of
13 the department of human services regarding child welfare
14 services, is amended to require the department to create and
15 make available to department staff, child-placing agencies, and
16 others engaged with placing children in out-of-home settings an
17 internet-based capacity, or other regularly updated approach,
18 for tracking foster care and other placement openings for such
19 children.